



Rep. Jay Hoffman

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LRB098 03768 JLS 44198 a

1 AMENDMENT TO HOUSE BILL 923

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 923 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Employee Classification Act is amended by  
5 adding Section 43 as follows:

6 (820 ILCS 185/43 new)

7 Sec. 43. Reporting requirements.

8 (a) Any contractor for which either an individual, sole  
9 proprietor, or partnership is performing construction services  
10 shall report all payments made to that individual, sole  
11 proprietor, or partnership if the recipient of payment is not  
12 classified as an employee. The report shall be submitted to the  
13 Illinois Department of Labor annually on or before January 31  
14 following the taxable year in which the payment was made. The  
15 report must include:

16 (1) the contractor name, address, and business

1       identification number;

2           (2) the individual, sole proprietor, or partnership  
3       name, address, and federal employer identification number;

4           (3) the total amount the contractor paid to the  
5       individual, sole proprietor, or partnership performing  
6       services in the taxable year, including payments for  
7       services and for any materials and equipment that was  
8       provided along with the services; and

9           (4) any other information the Department of Labor may  
10       require by rule.

11       (b) The Department may share the report, upon request, with  
12       any other local, State, or federal governmental agency.

13       (c) Except as provided in subsection (b), reports filed  
14       under this Section are confidential and exempt from public  
15       disclosure other than to employees in performance of their  
16       official duties. However, the name of the reporting contractor  
17       and the name of the individual, sole proprietor, or partnership  
18       performing construction services shall be disclosed upon  
19       request by the general public under the Freedom of Information  
20       Act.

21       (d) If the Department, upon investigation, finds that a  
22       contractor has failed to file a report or has filed an  
23       incomplete report in violation of this Section, the Department  
24       shall notify the contractor, in writing, of its finding and  
25       assess a civil penalty as provided in Section 40. The matter  
26       shall be referred to an Administrative Law Judge to schedule a

1 formal hearing in accordance with the Illinois Administrative  
2 Procedure Act.

3 (e) The contractor has 14 calendar days from the date of  
4 receipt of the Department's finding to answer the allegations  
5 contained in the Department's finding. If an employer fails to  
6 answer or fails to answer all allegations contained in the  
7 Department's finding, any unanswered allegations and findings  
8 shall be deemed to be admitted to be true and shall be so found  
9 in the final decision of the Administrative Law Judge.

10 (f) A final decision of an Administrative Law Judge issued  
11 pursuant to this Section is subject to the provisions of the  
12 Administrative Review Law and shall be enforceable in an action  
13 brought in the name of the people of the State of Illinois by  
14 the Attorney General.

15 (g) The Department shall have the authority to adopt  
16 reasonable rules for implementation of this Section and the  
17 hearing process. The General Assembly finds that the adoption  
18 of rules to implement this Section is deemed an emergency and  
19 necessary for the public interest and welfare.

20 (h) A violation of this Section shall subject the violator  
21 to debarment pursuant to Section 42."